IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 967 OF 1997

Shripal Annapa Alase ..Appellant

versus

The State of Maharashtra & Anr. ..Respondents

Mr. T. S. Ingle for the Appellant.

Mr. S. N. Gawade, AGP for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 6TH MAY,2005

ORAL ORDER :

1. Heard Mr. Ingle for the appellant and learned AGP for the Respondents - State.

2. 45 Ares of land of the claimant - appellant was acquired. Notification under Section 4 in that regard was dated 22.12.1982. SLAO awarded Rs.33,000/- per hectare as compensation. In the Reference filed by the claimant, the Reference Court awarded Rs.66,000/- per hectare and therefore claimant has come in this appeal for further enhancement.

3. The claimant relied upon sale Deed dated 11.10.1982 (Exhibit 52), where P.W. 3 Mahadev Mali purchased 19R of land for Rs.38,000/-. The price paid by Mahadev comes to Rs.1 lacs per hectare. Therefore according to the appellant - claimant he was entitled for enhanced compensation. Further according to him the land is situate within the Municipal Limits of Kurundwad and that aspect also has not been taken into consideration.

4. So far as the evidence of P.W. 3 Mahadev Mali is concerned, he has stated that three persons purchased 19R of land on 11.10.1982 for Rs.38,000/- as per sale deed Exhibit 46 and the distance between its land and the acquired land is 100 ft. In the cross examination he has stated that his ancestral land was not sufficient to do the cultivation and therefore he purchased the land. He has also admitted that he purchased the land because he was in immediate need thereof. He also agreed that applicant - the claimant was the Chairman and Director of various banks and institutions and that the claimant has helped him and other persons in difficulties. It is in this count that the trial court did not accept the version of this witness fully and did not accept the particulars given in the sale price as proper price. Rightly, therefore the court has adopted this approach and sale deed or

the evidence of this witness, is of no help to the claimant.

5. Mr. Ingle further contended that the land is situated within the Municipal limits of Kurundwad. Repeatedly, I questioned him whether it is on the record. He firstly contended that it is in the award, but he could not point out anything in that regard. Even the claimant could not produce any document to show that the acquired land is within the limits of Kurundwad Municipal Council or Municipality. This contention therefore has to be rejected.

6. SLAO awarded Rs.33,000/- per hectare and Reference court doubled the amount of compensation. No further interference is called for, Appeal is dismissed. No order as to costs.

6.5.2005 (D.G. DESHPANDE, J.)